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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,245	04/12/2004	Rodney L. Richardson	MIM1755	1789

7590 11/10/2004
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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,245

Applicant(s)

RICHARDSON, RODNEY L.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/12/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 6-10 are objected to because of the following informalities: In claim 6 (line 4), claim 7 (line 4) and claim 8 (line 4), "section" should be --direction--. Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities: On page 2, line 23, "5,62,139" should be --5,162,139--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wille et al. (US Patent 5,149,166).

Regarding claim 1, Wille et al. disclose a dent-preventing device (14) adapted for being removably positioned on a vehicle door (12), said device comprising: an elongated rod (20,22) having a first end (24) and a second end (30), said rod including a first section (20) and a second section (22) wherein said first section (20) is removably extendable into said second section (22)

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such that said rod (20) is selectively telescoping; a first coupler (24) being attached to said first end (20) of said rod for selectively attaching said first end to a first edge of the door (12); and a second coupler (30) being attached to said second end of said rod for selectively attaching said second end to a second edge of the door (12) such that said rod extends between the first and second edges of the door (Fig. 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

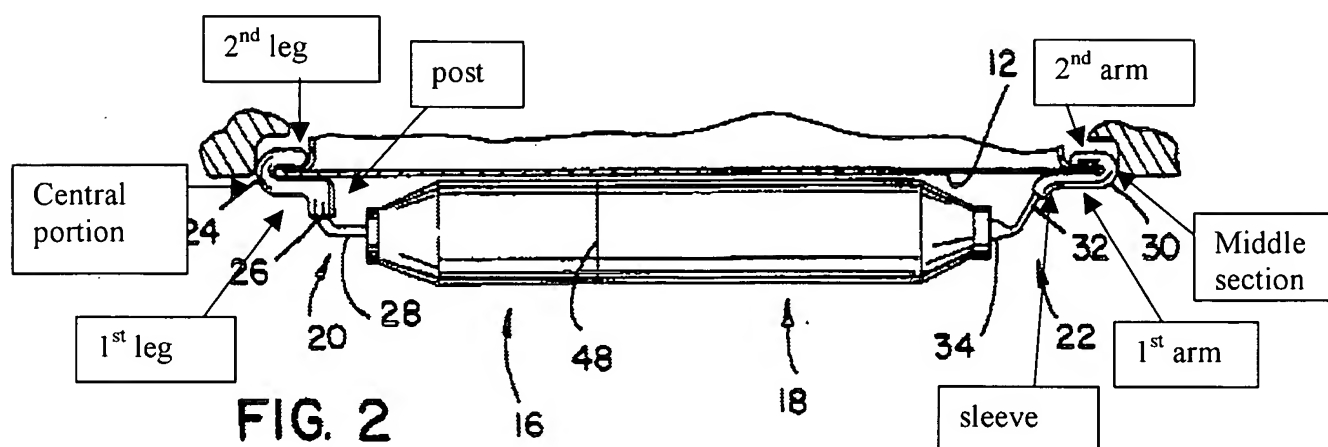
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wille et al.

Regarding claim 2, Wille et al. disclose the device according to claim 1, wherein said first coupler includes a first leg, a second leg and a central portion (see below) attached to each of said first and second legs such that said first and second legs extend in generally the same direction with respect to each other, the first edge being selectively positioned between said first and second legs, a post being attached to said first leg, said post being attached to said first end of said rod such that said first and second legs extend toward said second end of said rod. Wille does not disclose that the post extends in the same direction as said first leg. It would have been obvious to one of ordinary skill to orient the post such that it extends in the same direction as the

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first leg. The motivation would have been to allow the rod to be made as a straight member to make manufacturing of the rod simple and inexpensive.



Regarding claim 3, Wille et al. disclose the device according to claim 2, wherein said first coupler comprises an elastomeric material (column 3, line 20).

Regarding claim 4, Wille et al. disclose the device according to claim 3, wherein a distance from a longitudinal axis of said rod to an outer surface of said rod being less than a distance from the longitudinal axis to said first leg (see Fig. 2).

Regarding claim 5, Wille et al. disclose the device according to claim 2, wherein a distance from said longitudinal axis of said rod to an outer surface of said rod being less than a distance from said longitudinal axis to said first leg (see Fig. 2).

Regarding claims 6-8, Wille et al. disclose the device according to claims 2-4, wherein said second coupler (30) includes a first arm, a second arm and a middle section (see above) attached to each of said first and second arms such that said first and second arms extend in generally the same section direction with respect to each other, the second edge being selectively positioned between said first and second arms, a sleeve (see above) being attached to said first

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arm, said second end of said rod (22) extending into and being attached to said sleeve such that said first arm extends toward and is aligned with said first leg. Wille does not disclose that the sleeve extends in the same direction as said first arm. It would have been obvious to one of ordinary skill to orient the sleeve such that it extends in the same direction as the first arm. The motivation would have been to allow the rod to be made as a straight member to make manufacturing of the rod simple and inexpensive.

Regarding claim 11, Wille et al. disclose the device according to claim 1, further including a plurality of elastomeric bands (16,18) being positioned on and extending around said rod (Fig. 4 and 5).

Allowable Subject Matter

7. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 12 is allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other door protection devices.

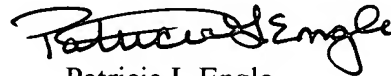
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

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November 4, 2004